

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	
	)	
PEDRO ANTHONY ROMERO CRUZ,	)	Case Nos. 1:14-cr-00306-GBL-1
JOSE LOPEZ TORRES,	)	1:14-cr-00306-GBL-2
JAIME ROSALES VILLEGAS,	)	1:14-cr-00306-GBL-3
ALVIN GAITAN BENITEZ,	)	1:14-cr-00306-GBL-4
CHRISTIAN LEMUS CERNA,	)	1:14-cr-00306-GBL-5
OMAR DEJESUS CASTILLO,	)	1:14-cr-00306-GBL-6
DOUGLAS DURAN CERRITOS,	)	1:14-cr-00306-GBL-7
MANUEL ERNESTO PAIZ GUEVARA,	)	1:14-cr-00306-GBL-8
JOSE DEL CID,	)	1:14-cr-00306-GBL-9
JESUS ALEJANDRO CHAVEZ,	)	1:14-cr-00306-GBL-10
JUAN CARLOS MARQUEZ AYALA,	)	1:14-cr-00306-GBL-11
ARAELY SANTIAGO VILLANUEVA,	)	1:14-cr-00306-GBL-12
GENARO SEN GARCIA,	)	1:14-cr-00306-GBL-13
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on Defendants Alvin Gaitan Benitez, Pedro Romero Cruz, Jaime Rosales Villegas, Juan Carlos Marquez Ayala, Omar Dejesus Castillo, Christian Lemus Cerna, Jesus Alejandro Chavez's Motions for a *James* Hearing (Docs. 349, 453). Defendants request that the Court to conduct a *James* hearing to determine the admissibility of alleged co-conspirators statements.

The Fourth Circuit has explicitly held that a district court is not required to conduct a *James* hearing in order to evaluate the admissibility of co-conspirator statements under Federal Rule of Evidence 801(d)(2)(E). *See United States v. Hines*, 717 F.2d 1481, 1488 (4th Cir. 1983) ("This court, however, does not require the *James* hearing. Instead, a trial judge retains the option to admit conditionally the declarations of co-conspirators before the

conspiracy has been independently established, subject to the fulfillment of that factual predicate.”) (citation omitted); *United States v. Blevins*, 960 F.2d 1252, 1256 (4th Cir. 1992) (“This circuit has rejected the formalistic requirement that there must be a hearing to determine the existence of a conspiracy before statements can be admitted under Rule 801(d)(2)(E). Instead, we allow a trial court to conditionally admit co-conspirators’ statements subject to subsequent satisfaction of the requirements for their admission.”). The practice in this Circuit of conditionally admitting the co-conspirator statements subject to the government subsequently proving the conspiracy is sufficient. Therefore, the Court hereby finds that a *James* hearing is not warranted in this action.

Accordingly, **IT IS HEREBY ORDERED** that Defendants’ motions (Docs. 349, 453) are **DENIED**.

**IT IS SO ORDERED.**

ENTERED this 8<sup>th</sup> day of September, 2015.

Alexandria, Virginia  
9/8 / 2015

\_\_\_\_\_/s/  
Gerald Bruce Lee  
United States District Judge